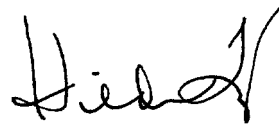




of Civil Procedure 19(a)(2)(i)–(ii), a person “whose joinder will not deprive the court of jurisdiction . . . shall be joined as a party in the action” if the person has an interest so similarly situated to the subject matter of the pending action that the person's absence will either impair her ability to protect that interest or subject parties to a substantial risk of inconsistent obligations in the future. In the present case, Christina Troiani, a resident of Texas, is a co-owner of the property and an insured under the insurance policy, which both form the basis of this suit. Dkt No. 19, Ex. 1, at 1. Accordingly, her interest in this case is such that her absence will either impede the protection of her interest or subject Defendants to a substantial risk of incurring inconsistent obligations if, in the future, she were to file suit based on her current interest. Because Christina Troiani is a resident of Texas, her joinder will not deprive the Court of subject matter jurisdiction over this action, which is based on diversity of citizenship. Dkt. No. 16, at 1. Therefore, the Court determines that joinder of Christina Troiani is proper under Federal Rule of Civil Procedure 19(a)(2)(i)–(ii).

Based on the foregoing, the Court **GRANTS** Plaintiff's Unopposed Motion for Leave to File First Amended Complaint and to Join Party. Dkt. No. 19. The Court notes that although the deadline for joinder of additional parties has passed, Plaintiff's motion for leave to file his amended complaint and to join Christina Troiani as a party was filed prior to the deadline for joinder. Dkt. No. 18; Dkt. No. 19. By granting Plaintiff's motion, the Court expressly allows Plaintiff to file his amended complaint, with Christina Troiani joined as a party, even though the deadline for joining additional parties has expired. Pursuant to Federal Rule of Civil Procedure 15(a), Defendants shall plead in response to Plaintiff's amended pleading within 10 days after service of same.

DONE at Brownsville, Texas, this 31 day of October, 2006.



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Hilda G. Tagle  
United States District Judge